UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2000/NGO/101
11 February 2000

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Item 9 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Joint written statement* submitted by the Centre Europe-Tiers Monde (CETIM), a non-governmental organization in general consultative status, the International League for the Rights and Liberation of Peoples, the American Association of Jurists and the Society for Threatened Peoples, non-governmental organizations in special consultative status, and FIAN - Foodfirst Information and Action Network, a non-governmental organization on the Roster

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[28 December 1999]

* This written statement is issued, unedited, as received from the submitting non-governmental organizations.

The Chad-Cameroon oil and pipeline project and its impact on the enjoyment of human rights: heading for another Ogoniland?

In a context of non-existent or seriously inadequate national and international legislation regulating the activities of transnational corporations (TNCs), CETIM reiterates its concern about massive violations of human rights brought about by these corporations, with cooperation from States of the North and the South alike. The oil sector provides eloquent examples of this.

Considering that plans for the Chad-Cameroon oil and pipeline project are now at an advanced stage, we believe that this statement may usefully complement and update the submission by the International League for the Rights and Liberation of Peoples to the Sub-Commission (E/CN.4/Sub.2/1998/NGO/5).

The latest developments

Up until 9 November 1999, the oil company consortium was composed of Esso (Exxon), Shell and Elf Aquitaine. For unexplained reasons, Shell and Elf decided to withdraw from the consortium.

The project is shortly to be submitted to the World Bank's Board of Executive Directors for approval, the Bank having been requested to grant two loans to the Chad and Cameroon Governments. Approval would provide a strong incentive to private investors and should enable them to secure guarantees against export risks by government agencies.

The problems caused by this mammoth project are of various kinds. For one thing, in the present political context, there is every reason for scepticism about the project's prospects for socio-economic development as it will affect the populations of the two countries; for another, the project's direct impact on local populations and the environment gives cause for serious concern. Moreover, current curbs on the civil and political rights of opponents to the project are disturbing, to say the least.

1. Obstacles to the project's positive socio-economic impact

Widespread corruption and political context

Both the Chadian and Cameroonian Governments have the sorry reputation of being riddled with corruption. In Chad, according to some of the local daily newspapers, several ministers, after being dismissed for involvement in the misappropriation of development aid, have subsequently been appointed to key political positions and have never had to pay back the embezzled funds. There seems to be total impunity and widespread corruption, even at the highest level.

Cameroon has recently been classified as the most corrupt country in the world by the group Transparency International,[1] for the second time. In fact, Cameroon's current oil resources are not accounted for in the State budget and there is no provision for any plan for the management of future oil revenues.

It is quite obvious, however, that there is no corruption without corrupters. On this subject, a confidential report to the French Ministry of Cooperation is quite clear about the part played by French oil companies in concealing the use made of oil revenues and worsening corruption on the African continent (cf. the Elf Gabon scandal).[2]

In Chad, Elf's financing of the campaigns of presidential candidates has been reported time and again.[3]

The way in which the Chadian Government is fulfilling the World Bank's "transparent" management requirements offers no guarantees. On 30 December 1998, the Chadian Parliament passed what was termed the law on the management of oil revenues, providing in substance that 90 per cent of direct oil revenues would be paid into a frozen account purportedly to be used only for educational, development and health schemes. A commission called the "Disbursement Commission" was to be in charge of authorizing any withdrawal of money from the account. But five of its nine members are government officials and two others, respectively, a member of Parliament and a senator. As to the only two representatives of civil society, a trade unionist and an NGO representative, no mention is made of the manner in which they are to be selected, which leaves a serious loophole.

Furthermore, the law provides that only 4.5 per cent of direct oil revenues will go towards the development of the region in which the oil is produced. Depending on the way in which that zone is defined, it may encompass up to one third of the Chadian population, and nowhere is it specified on what conditions and for what types of project the money can be used.

By going along with such practices, which are common knowledge, the World Bank would give even more credence to the arguments of those who criticize it for lack of transparency in its management of development funds and its important role in the perpetual indebtedness of most of the countries of the South.

Risk of a resumption of civil war in Chad

For over 30 years, Chad was the scene of a bitter civil war. Many local NGOs and also foreign observers fear that oil extraction in the south will exacerbate existing socio-political tensions or even trigger a resumption of the conflicts.

Job creation

One of the arguments frequently put forward by the Governments and the World Bank is that the project will have a positive impact on the labour market. But in fact experience has shown that the overwhelming majority of jobs created by this kind of oil project are in the casual and unskilled category.[4] Meanwhile, there has already been a heavy influx of hopeful job-seekers into the region (over 5,000 to date, even though the project has not yet started). No mitigation measures have been taken, and the arrival and settlement of the migrants are already causing problems with the local farmers.

In the current political environment, far from helping to alleviate poverty, there is every likelihood that, as many similar examples have shown, the injection of new money will line the pockets of just a few and exacerbate armed power struggles.

2. Direct violations of economic, social and cultural rights

Violation of local populations' right to adequate food caused by the loss of land and trees

In the oil extraction area pipelines will link the 300 production wells to pumping stations; all along the 1,050 km-long pipeline route, an area of 30 to 60 m in width will be temporarily unusable. Considerable expanses of cropland will be temporarily unusable for cultivation and large numbers of trees will have to be felled, which will seriously affect the ability of some farmers to produce their own food. The compensation offered them is often ridiculously small, will not make up the shortfall, and in many cases is less than the official amount of compensation provided for in the compensation plan. The value of the trees for which compensation is payable, calculated by Esso in Chad, has been systematically underestimated: the set amounts of compensation are 5 to 20 times lower than the actual value as calculated by independent Chadian agronomists. No compensation will apparently be paid for the clearing of the rainforests used by the Pygmy populations in Cameroon.

And yet these woodlands represent a substantial part of the livelihood of populations who already have difficulty in eking out a subsistence. It will take many years before the balance can be restored; the shea-tree, for example, takes 15 years to bear fruit. It should be noted that "compensation" has been paid to the farmers even though the project has not been finally endorsed and also that it has been paid without any regard for local social realities.[5]

In Cameroon, the future of thousands of Bagyeli Pygmies is at risk because of the absence from the Plan for the Indigenous Populations of any mechanisms for recognizing the rights of the populations to the agricultural forest lands. Considering the Cameroonian Government's attitude towards the Pygmies in the past, there is reason to doubt its will to manage the situation. The construction of the pipeline will mean that these populations will lose part of their means of subsistence.

Violation of the right to food potentially caused by pollution

Neither the Chadian nor the Cameroonian Government, nor indeed Esso, has made any provision for an oil spill response plan. Moreover, some of the waste water from the drilling operations is to be pumped out, untreated, into the surrounding land.

The following facts should be borne in mind:

- The oil-fields are located on mainly agricultural land. Loss of soil fertility would have dire consequences for the population's subsistence. In Chad, the oil extraction area is one of the most fertile parts of the country, and a decline in production in the region would jeopardize food supplies throughout the country.

- Fishing resources are also of the utmost importance in the region. In Chad, the rivers crossed by the pipeline run through the south of the country and then into the Logone river, which flows into Lake Chad. In Cameroon, the pipeline will cross 17 major rivers, including the Sanaga, which together form one of the largest river systems in Africa. Pollution of the rivers and coastlines in the oil extraction area would therefore have disastrous repercussions on fish supplies in both countries, jeopardizing the inhabitants' right to adequate food.

- Access to drinking water is also under threat, since most of the population's drinking water comes from shallow groundwater and sometimes from the rivers. Any contamination of these water resources would have a dramatic impact on the nutrition and health of much of the population.

In conclusion, it is no exaggeration to say that, under the present circumstances, the project jeopardizes the right of the local populations to adequate food. It is incompatible with the concept of sustainable development, which places emphasis on local agricultural production as an essential means of meeting basic needs, supplanting this by potentially risky oil extraction that will serve only short-term interests.

3. Violations of civil and political rights

The situation of civil and political rights in Chad is serious. Amnesty International has reported massacres of unarmed civilians in the oil-producing area over the past two years, and the European Parliament expressed its concern in a resolution in June 1998.

Opponents of the oil project have been repeatedly threatened and the situation has worsened since the withdrawal of Elf and Shell from the consortium. Since the project was launched, the local populations have not been kept adequately informed.

Military personnel were constantly in attendance during the consultation process, and systematically escort Esso officials on their travels.

Some examples

- The Chadian member of Parliament Ngarledji Yorongar was arrested, tried and convicted of libel for publicly criticizing the manner in which the project was being conducted. He was detained from 3 June 1998 to 5 February 1999.

- The traditional chiefs of the region who met in Bebedjia for a seminar from 5 to 7 October were forced to take part in a pro-oil demonstration under threat of detainment.

- On 23 October 1999, in Bebedjia, during preparations for a visit by the Executive Head of the World Bank, the Prefect of Doba threatened any persons publicly venturing to express their opposition to the project with arrest and imprisonment.

- On 24 and 25 October 1999, two members of the coordinating committee of the Entente des Populations de la Zone Pétrolière (EPOZOP) (Alliance of Populations in the Oil Extraction Area), namely Mathias Mbeuryom and Urbain Moyombaye, were detained for questioning by the Prefect of Doba. EPOZOP's purpose is to protect the interests of the populations of the region. The Prefect verbally ordered them not to continue their activities.

Recommendations

In view of the above, CETIM requests the Commission on Human Rights to make representations to the Chadian and Cameroonian Governments so that they:

- Undertake to protect opponents of the oil project from physical and mental assault, and to protect their fundamental freedoms;

- Associate the representatives of local populations in decision-making on the project.

Furthermore, CETIM requests the Commission on Human Rights to appeal to the member countries of the World Bank to suspend any loan agreements for the project in question until a detailed independent study can be carried out on the project's impact on local populations and the environment.

Other documents

Environmental Defense Fund, Korinna Horta, *The World Bank and Chad Cameroon Oil and Pipeline Project. Makings of a New Ogoniland? Corporate Welfare Disguised as Aid to the Poor?* February 1997

Esso, *Environmental Assessment Plan, Chad Export Project*, Esso Exploration and Production, Chad, October 1997 (pp. 7-30, Water quality)

Notes

[1] In the "*1999 Transparency International Corruption Perceptions Index (CPI)*", Cameroon ranked lowest in a list of 99 countries, with a corruption index of 1.5 out of 10, the figure 10 representing negligible acceptance of bribes and 0 representing very high levels of corruption.

www.transparency.de/documents/cpi/index.htm

[2] Jean-François Bayart, *La criminalisation en Afrique subsaharienne*, a report by the Ministry of Cooperation's Analysis and Forecasting Centre, June 1995, quoted by Daniel Carton - "Lock this report up in your drawer" - in Le Nouvel Observateur, 10 May 1996.

[3] Agir ici, Amis de la Terre, *Projet pétrolier au Tchad et au Cameroun, Banque Mondiale: Pompe A'frique des compagnies pétrolières*, July 1997, p. 29.

[4] Advisory review of the environmental assessments of the Chad export project, Commission for Environmental Assessment of the Netherlands Ministry for Development and Cooperation, July 1998, p. 4.

[5] CILONG, NGO Information and Liaison Commission, Permanent Oil Commission, study on compensation and indemnification measures, September 1999.